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Letter dated 7 September 2006 from the Permanent Representative of the Congo to the United Nations addressed to the President of the General Assembly

In my capacity as the representative of the current Chairman of the African Union, I have the honour to transmit herewith the following documents which were adopted by the Executive Council of the African Union at its ninth ordinary session, held in Banjul, the Gambia, from 25 to 29 July 2006:

1. The Migration Policy Framework for Africa (see annex I).

2. African Common Position on Migration and Development (see annex II).

I should be grateful if the present letter and its annexes could be circulated as documents of the sixty-first session of the General Assembly.

(*Signed*) Basile **Ikouebe**
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Permanent Mission of the Republic of the Congo to the United Nations
Representative of the current Chairman of the African Union

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Annex I to the letter dated 7 September 2006 from the Permanent Representative of the Congo to the United Nations addressed to the President of the General Assembly

The Migration Policy Framework for Africa

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INTRODUCTION

MIGRATION POLICY FRAMEWORK FOR AFRICA

In an era of rapid globalization, human migration has evolved into a dynamic phenomenon with respect to the multitude of factors contributing to the migration of unparalleled numbers of migrants across immense geographical trajectories. Throughout its history, Africa has experienced important migratory movements, both voluntary and forced, which have contributed to its contemporary demographic landscape. In many parts of the Continent, communities are found spread across two or three nation-States, as movement is often not limited by political boundaries. Cross-border migration in Africa also represents an important livelihood and coping strategy to ecological and economic downturns and is key to understanding as well as forecasting the onset and evolution of humanitarian disasters. Over the last decades, deteriorating political, socio-economic and environmental conditions, as well as, armed conflicts, insecurity, environmental degradation and poverty, are significant root causes of mass migration and forced displacement in Africa. The globalization process itself, will also facilitate the movement of people across the various regions in Africa (through regional integration), and to other regions outside the Continent as, the number of migrants continues to increase therefore, undoubtedly, migration will be a major topic in the 21st Century and will therefore pose certain social, economic and political challenges for policy makers in the future management of migration for the betterment of African societies.

It is in light of the challenges posed by migration and its ramifications (socio-economic, political etc), that the OAU Council of Ministers adopted Decision CM/Dec 614 (LXXIV) during the 74th Ordinary Session in Lusaka, Zambia in July 2001 to formulate a Strategic Framework for a Policy on Migration in Africa for consideration by the African Heads of States.

The Migration Policy Framework document therefore identifies 9 key thematic migration issues with sub-themes and makes policy recommendations for consideration by AU Member States and RECs. The migration policy framework provides a comprehensive and integrated policy guideline on the following thematic issues with sub-themes a) Labor migration, b)Border Management, c) Irregular Migration, d)Forced Displacement, e) Human Rights of Migrants, f) Internal Migration, g) Migration Data, h) Migration and Development, and i) Inter-State co-operation and partnerships. It also highlights other social ramifications of migration including migration and health, environment, gender, conflict etc.

The policy framework serves to provide the necessary guidelines and principals to assist governments and their RECs in the formulation of their own national and regional migration policies as well as, their implementation in accordance with their own priorities and resources. The policy framework is therefore a comprehensive and integrated

reference document and hence non-binding in nature, scope and content. The document provides a broad range of recommendations on various migration issues as a guide to governments and RECs. In this regard, Member States and RECs can borrow elements as they deem fit, appropriate and applicable to their country-specific or region-specific migration challenges and situations.

Since migration flows, patterns, volumes and dynamics vary amongst States and Regions, this migration policy framework does not provide priorities or resource mobilization mechanisms for implementation, monitoring and evaluation of the recommended actions as these would be determined by States or Regions according to their specific migration challenges, resources and competencies.

However, relevant UN Agencies and International Organizations, NGOs, CSOs and specialized agencies and institutions with migration expertise and competencies could provide the necessary technical assistance and support to governments and the RECs in resource mobilization for the implementation of the national or regional migration policies to complement efforts of governments and RECs.

STRATEGIES FOR MANAGING MIGRATION IN AFRICA

I. Migration Realities and Trends in Africa

Globally speaking, migration today has risen to an unprecedented level. The United Nations, IOM and ILO estimate that the number of persons living outside their country of origin has reached 175 million, more than twice the number a generation ago[1]. The root causes of migration are multitude since a complex web of factors underlie the process. The push-pull framework gives insight into the different forces at work to explain migration. In Africa multiple push factors spur migration both within the continent and to other regions. Poor socio-economic conditions, low wages, high levels of unemployment, poverty and lack of opportunity are the main economic factors that fuel out-migration in the African continent. These factors are usually brought about by a mismatch between the rapid population growth and the available resources, low level of requisite technology and capacity to create employment and jobs at the origin. In addition to economic factors, various political and social factors create fertile grounds for migration. Among these, poor governance, patronage and corruption, political instability, conflict and civil strife are major causes of migration for both skilled and unskilled workers. The real or perceived opportunity for a better life, high income, greater security, better quality of education and health care at the destinations influence decision to migrate. The push-pull factors are intensified by a number of other issues which make migration an attractive option. Lower costs of migration, improved communication, greater information availability and the need to join relatives, families and friends are among the factors which compound with push-pull factors.

[1] UN Population Division, *International Migration Report 2002*, and other sources.

The movement of people—voluntary or forced, legal or undocumented, within or beyond borders—constitutes today a complex process presenting some of the most intricate inter-relationships of policy concerns for governments. Given that the number of migrants is rising and that this trend is likely to persist in the foreseeable future, the management of migration has necessarily become one of the critical challenges for States in the new millennium.

In Africa, there are an estimated 16.3 million migrants[2] and close to 13.5 million internally displaced persons (IDPs).[3] The ILO estimates that the number of labor migrants in Africa today constitutes one fifth of the global total and that by 2025, one in ten Africans will live and work outside their countries of origin.[4] Throughout its history, Africa has experienced important migratory movements, both voluntary and forced, which have contributed to its contemporary demographic landscape. In many parts of the Continent, communities are found spread across two or three nation-States as movement is often not limited by political boundaries. Over the last decades, deteriorating socio-economic and environmental conditions as well as armed conflicts (affecting one fourth of Africa's 53 countries[5]) have resulted in a significant increase in refugees and IDPs. Significant internal migratory movements—such as rural-urban migration —add to the complexity of the picture.

The United Nations estimates that the rate of urbanization in Africa stands at 3.5% per year[6], the highest rate in the world, resulting in the rapid growth of urban agglomerations throughout the continent. By 2030 the proportion of Africa's urbanized population is expected to reach 54%, as compared to today's figure of 38%.[7] While urbanization is a natural consequence of development, rapid growth of urban populations strain existing urban infrastructures and pose many social and economic challenges to African governments.

It is clearly known that well-managed migration has the potential to yield significant benefits to origin and destination States. For instance labor migration has played an important role in filling labor needs in agriculture, construction and other sectors, thus contributing to economic development of many destination countries in Africa. Conversely, the beneficial feed-back effects of migration such as remittances, knowledge and skills transfers, and return migration have in some cases made major

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[2] UN Population Division, *International Migration Report 2002*.

[3] The Norwegian Refugee Council, *Internally Displaced People: A Global Survey*, Internet update, [URL: http://www.idpproject.org/regions/Africa_idps.htm]; ILO estimates that the number of labour migrants alone in Africa is 20 million, *Summary Report and Conclusions*, ILO Tripartite Forum on Labour Migration in Southern Africa, Pretoria, 26-29 November 2002.

[4] *Summary Report and Conclusions*, ILO Tripartite Forum on Labour Migration in Southern Africa, Pretoria, 26-29 November 2002.

[5] The Norwegian Refugee Council, *Internally Displaced People: A Global Survey*, Internet update, [URL: http://www.idpproject.org/regions/Africa_idps.htm].

[6] United Nations Commission for Human Settlements (UNCHS), *Cities in a Globalizing World: Global Report on Human Settlements 2001*.

[7] *Ibid.* note 18.

contributions to economies of origin countries. However, mismanaged or unmanaged migration can have serious negative consequences for States' and migrants' well-being, including potential destabilizing effects on national and regional security, and jeopardizing inter-State relations. Mismanaged migration can also lead to tensions between host communities and migrants, and give rise to xenophobia, discrimination and other social pathologies.

The realities of migration in Africa, including its increasing importance and untapped potential, underscore the need for States to develop comprehensive policies on migration. Such efforts will require enhanced dialogue on sub-regional, regional and pan-African levels.

II. The Need for a Comprehensive Migration Policy Strategy in Africa

1. Migration in Africa attracts much attention and focus. The reasons for this increased focus on migration and related issues may vary from one region to another or from country to country, but a common factor is that the number of migrants has been increasing over the years. Three periods can be considered: migration during pre-colonial, during colonial and post-colonial times. Colonization and post-independence links with former colonial powers greatly shaped the migration patterns observed today and it will do so in future times[8,9]. The driving forces, dynamics and patterns of migration are diverse in the various regions in Africa. They are mainly shaped by internal factors. The globalization process will also influence migration as it facilitates the movement of people across the various regions in Africa (through regional integration) and to other regions outside the continent. Although countries (sending, receiving) and migrants may benefit from migration, problems arise due to illegal and uncontrolled migration, jeopardizing the relations between countries and also the integration of migrants in the receiving society.

2. Recognizing the importance of the free movement of people, the Heads of State and Government adopted the Abuja Treaty (Abuja, June 1991). The treaty established the African Economic Community (AEC), urged Member States to adopt employment policies that allow the free movement of persons within the Community. This entails strengthening and establishing labor exchanges aimed at facilitating the employment of available skilled manpower of one Member State in other Member States where there are shortages of skilled manpower (Article 71 (e)), as an essential component for the promotion of regional co-operation and integration in Africa.

[8] Appleyard, Reginald. Emigration dynamics in developing countries. Volume I: Sub-Saharan Africa. England, 1998; pp 1-16.
[9] Adepoju, Aderanti. *Emigration dynamics in Sub-Saharan Africa*. In 'Emigration dynamics in developing countries. Volume I: Sub-Saharan Africa'. England, 1998; pp 17-34.

3. Further recognizing the important issue of migration and its consequences, a Seminar on Intra-African Migration was held in Cairo (1995). Heads of State and Government made several recommendations on legal, economic, political, social and administrative aspects of African migration. These were adopted during the 19th Ordinary Session of the OAU Labor Commission in 1996 and endorsed by the OAU Council of Ministers and Assembly of Heads of State and Government[10].

4. Recognizing the challenges African countries are facing in regard to the flow of irregular migration, trafficking, brain drain and migrant right as well as HIV/AIDS and related issues, the OUA Council of Ministers during its 74th Ordinary Session (Lusaka, Zambia, July 2001) adopted Decision CM/Dec 614 (LXXIV).

   - To develop a strategic framework for migration policy in Africa that could contribute to addressing the challenges posed by migration and to ensure the integration of migration and related issues into the national and regional agenda for security, stability, development and co-operation (5);

   - To work towards free movement of people and to strengthen intra-regional and inter-regional cooperation in matters concerning migration on the basis of the established processes of migration at the regional and sub-regional levels; (6) and

   - To create an environment conducive to facilitating the participation of migrants, in particular those in the diaspora in the development of their own countries (7).

5. The 1st Ordinary session of the Executive Council held in July 2002 in Durban, South Africa mandated the AU to work with the African Diaspora and support their involvement in the programmes of the Union. During the Maputo Summit in July 2003, the Assembly of Heads of State and Government endorsed this decision and included a new clause in the AU Constitutive Act to "invite and encourage the full participation of the African Diaspora in the building of the African Union".

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[10] The key recommendations were:

- That issues relating to movement of persons and migration be addressed regionally and Member States make every effort to utilise existing regional fora to discuss and resolve such issues;
- That issues of intra-African migration be resolved in a truly tripartite manner and every effort be made to consult all relevant stakeholders in both the receiving and sending countries;
- That Member States should have an efficient and advanced system of collecting information and statistics on labour migration in order to facilitate the monitoring of migratory flows;
- That OAU co-operate more closely with Regional Economic Communities (RECs) to achieve effective economic integration.

6. The MOU of the 1st Standing Conference on 'Security, stability, development and co-operation in Africa (CSSDCA)' in Durban, July, 2002 highlighted the importance of harmonizing and strengthening of the RECs in key areas as an essential component of the integration process and called for a "strong cooperation framework for security between the RECs, the AU and the United Nations."

7. Member States further affirmed their commitment to address: border problems that threaten peace and security in Africa; strengthen mechanisms for protection of refugees and to combat trafficking, to invest in human resource development to mitigate problem of brain drain, to promote regional integration and co-operation involving national and regional stakeholders, and to promote economic growth, integration and trade through development of its infra-structure.[11]

8. As the AU/CSSDCA process moves towards regional integration within the context of NEPAD and the African Economic Community,[12] migration is increasingly being recognised as an engine for regional co-operation and integration as well as socio-economic development of the Continent. Most importantly, under the leadership of H.E. Alpha Oumar Konare and his vision for Africa that calls for unification, a single economic space, a common African citizenship and a continental democracy, migration including the strategic framework will occupy a prominent place on the AU agenda.

9. In the current scenario of an African Continent advocating for regional integration within the context of the NEPAD (as a strategy that aims at promoting development of the continent), and the African Economic Community (AEC), in order to maximize the skills of African professionals and promote viable socio-economic development at national and regional level, it is imperative that States adopt a proactive approach by replacing barriers towards migration with measures that effectively manage the movement of migrant labor between Sovereign State borders. Migration policies need to incorporate this new reality so that migration can bring positive outcomes for both receiving and sending countries. Though NEPAD does not consider migration as a 'sectoral priority', the cross-cutting nature of the topic is such that, it can contribute to the resolution of many of the root causes of migration by promoting socio-economic and political development. Investing in the development of human resources (including reversing the brain drain is one of the priority areas), and an essential

[11] Technical workshop on the conference on security, stability, development and co-operation (CSSDCA) – monitoring and evaluation process, Abuja, Nigeria, June 2003.
[12] African Economic Commission, Abuja, 1991.

requirement for African development through partnerships between government, civil society and the international community[13].

10. The African Union (AU) was mandated to work with the African Diaspora and supported their involvement in the programmes of the Union[14]. Policies that facilitate and encourage the collaboration of professionals from the diaspora in the development of their own countries / regions will better promote reintegration ,as well as, enabling States to benefit from the transfer of skills necessary for socio-economic development. The collaboration between the AU and the RECs is as crucial to the process and attainability of regional integration as is, active co-operation and dialogue between 'sending and receiving' States, in the area of labor migration.

11. In the era of globalization, African Governments acknowledge the importance of the movement of skilled personnel as an important component of regional co-operation. However, most States adopt a restrictive policy to control population flows and limit migration. In 2001, 44% of developed countries and 39% of developing countries had policies aiming to decrease immigration levels, respectively[15]. This is due in part to a change in the geographic origin and nature of flows of people, and also to sovereignty issues.

12. It is of fundamental importance that African States develop and institute migration management policies that address this phenomenon in order to prevent the negative effects associated with migration, such as the exodus of skilled labor[16]. Developing effective policies for socio-economic development will require the participation of all stakeholders (civil society, private sector, migrant associations, etc.), as well as, incorporating policies that address issues pertaining to the broader context - at regional and continental level.

1. **This draft Migration Policy Framework for Africa are not intended to legally bind, dictate or impose any obligations emanating from treaties or conventions not ratified by Member States.**

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[13] NEPAD recommends that efforts should focus on:

1. Creating political, social and economic conditions in Africa that would serve as incentives to curb the brain drain and attract much-needed investment;
2. Establishing a reliable database on the brain drain both to determine the magnitude of the problem, and to promote networking and collaboration between experts in the country and those in the diaspora;
3. Ensuring that the expertise of Africans living in the developed countries is utilised in the execution of some of the projects envisaged under the New Partnership for Africa's Development.

[14] 1st Ordinary Session of the AU Executive Council, South Africa, July 2002.

[15] International Migration Report. 2002.

[16] Cairo Plan of Action, p. 98, Africa-Europe Summit, Cairo, 3-4 April 2000.

1. LABOUR MIGRATION

1.1 National Labor Migration Policies, Structures and Legislation

Labor migration is a current and historical reality in Africa impacting directly on the economies and societies of African States in important ways. Establishing regular, transparent and comprehensive labor migration policies, legislation and structures at the national and regional levels can result in significant benefits for States of origin and destination. For States of origin, for example, remittances, and skills and technology transfers can assist with overall development objectives. For States of destination, labor migration may satisfy important labor market needs. Labor migration policies and legislation that incorporate appropriate labor standards also benefit labor migrants, members of their families, and can have a positive impact on society generally.

RECOMMENDED STRATEGIES:

- Incorporate provisions from ILO Conventions No. 97 and No. 143 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families into national legislation.
- Create transparent (open) and accountable labor recruitment and admissions systems based on clear legislative categories and harmonizing immigration policies with labor laws.
- Build national capacity to manage labor migration by developing national labor migration policies and legislation consistent with overall population policy, and government structures to manage labor migration. The latter should include the creation of focal points within relevant ministries to handle labor migration issues, and establish institutional mechanisms for enhanced co-operation between government authorities, worker organizations and employer associations.
- Promote greater participation of social partners and pertinent civil society organizations in the development and implementation of labor migration policies, in conjunction with the harmonization of national laws and regulations with international labor standards.
- Promote equality of opportunity by strengthening gender-specific approaches to policies and activities concerning labor migration particularly, in recognition of the increasing feminization of labor migration.
- Promote respect for, and protection of, the rights of labor migrants including combating discrimination and xenophobia through inter alia civic education and awareness-raising activities.
- Promote HIV/AIDS awareness raising and prevention campaigns targeted towards labor migrants, with participation of social partners, in order to combat the spread of HIV/AIDS within the labor force.
- Facilitate technical co-operation activities with international agencies, including ILO, IOM, WHO, UNAIDS and other concerned entities, in order to enhance the developmental effects of labor migration.

- Enhance national and regional labor migration data collection, analysis and exchange to document, among others, the conditions and needs of migrant workers and their families.
- Facilitate the integration of migrants in the labor market including the education and training sector, as well as the right to join trade unions, and to form community organizations.
- Incorporate mechanisms that monitor the provision of decent work for migrants and, enable them to access legal provisions for social protection.
- Set up national and sub-regional social dialogue mechanisms to address migrant labor issues.
- Provide social protection and social security benefits particularly unemployment insurance, compensation for employment injury and old age pension for labor migrants while working abroad and/or upon their return.
- Incorporate the laws and rules of host countries when recruiting non-national migrant labor for employment; furthermore, contracts of employment must be supervised and retained by the governments of the host and sending States.
- The incorporation of 'good practice' strategies in managing migration recognizes the vulnerability of migrant labor to unemployment, at times when national economies experience a reduction in the requirement of labor. Consequently, States which have made arrangements to recruit migrant labor are urged to ensure labor migrants experiencing job losses are adequately provided for or, receive financial assistance for return and resettlement in their State of origin.
- Ensure that indigent regular migrants who may lose their job should not be returned to their State of origin unless there is an interstate agreement to this effect and s/he shall not have her/his right of residence and work permit withdrawn. These people should receive equality of treatment regarding security of employment, alternative employment, relief work and returning.
- Incorporate equality of opportunity measures that ensure equal access for labor migrants and nationals in the areas of employment, occupation, working condition, remuneration, social security, education and geographical mobility.
- Establish quotas for unskilled workers from neighboring States that serves as a control valve for States that suffer from economic crisis.

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1.2 Regional Co-operation and Harmonization of Labor Migration Policies

Bilateral and multilateral efforts at strengthening co-operation on labor migration assist in ensuring systematized and regular movements of laborers; responding to the supply and demand needs of domestic and foreign labor markets; promoting labor standards; and reducing recourse to irregular movements.

RECOMMENDED STRATEGIES:

- Enhance co-operation and co-ordination amongst States in sub-regions and regions with a view to facilitating free movement at bilateral, sub-regional and regional levels, from which an Africa-wide framework on the free movement of persons would be developed.
- Maintain open and continued contact and communication between States of origin and destination in order to ensure, for example, adequate work conditions for nationals working abroad.
- Enhance data collection, analysis and exchange on labor needs and supply in States of origin and destination in order to match labor skills with labor demand through comprehensive regional approaches.
- There is need for harmonization of sub-regional migration policies to promote free movement and right of residence.
- Initiate joint programmes to actualize the OAU Charter on the Fundamental Social Rights and Duties of African and Arab Migrant Workers in Europe.

1.3 Labor Movement and Regional Economic Integration

On-going processes of regional economic integration in Africa -through Regional Economic Communities (RECs)- are increasingly taking account of managed cross-border labor movements that lead to better labor allocation within larger labor markets. RECs constitute a key factor for facilitating co-operation in the area of labor mobility at the regional level and for promoting economic development.

BORDER MANAGEMENT

RECOMMENDED STRATEGIES:

- Call upon the Regional Economic Communities (RECs) and their Member States to consider the adoption and implementation of appropriate protocols in order to progressively achieve the free movement of persons, and to ensure the enjoyment of the right of residence, the right of establishment and access to legal employment in host countries (Abuja Treaty, July 1991).
- Establish regional labor exchanges aimed at facilitating the employment of available human resources of one Member State in other Member States.

1.4 Border Management

Effective border management is a key element in any national migration system. The strategic goals o border security are to control:- i) the movement of prohibitive and restrictive goods including drugs, weapons etc. ii) the appropriate use of import and export permits, quotas, exchange controls etc, iii) the movement of persons to eliminate illegal border crossings, human trafficking and smuggling; iv) the illegal smuggling of goods.

In Africa, as in other parts of the world, border management systems are coming under increasing pressure from large flows of persons, including irregular and "mixed flows," moving across regions and/or national borders. Specific challenges to border management mechanisms and personnel include building capacities to distinguish between persons having legitimate versus non-legitimate reasons for entry and/or stay.

Approaches to border management globally have been and will continue to be strongly affected by security concerns. Some regions in the world have been the subject of attacks linked with international terrorist networks and the possibility that they might constitute targets for further assaults, or transit or organizing points for further attacks elsewhere cannot be excluded. Consequently, the strengthening of border management systems in terms of technology, infrastructure, business process for inspection of travelers, and training of staff has become a primary area of concern.

An important component of border management is the provision of international standard travel documents through well-structured registration and issuance systems. These travel documents include passports, visas, and temporary travel documents such as emergency passports and laissez-passers and in some cases identification cards that can be used to cross borders on the basis of specific bilateral agreements. The provision and use of travel documents of high integrity supports efforts to make cross-border movement easier for most travelers.

Additionally, "mixed flows" which at times include large numbers of persons seeking asylum but who are moving for non-protection reasons create the perception, rightly or wrongly, that asylum systems are being abused, and increase the tendency to associate migrants with criminality, which in turn nourishes problems of xenophobia and intolerance to foreigners. A key challenge is therefore to establish a balance allowing States to meet their humanitarian obligations to refugees and others eligible for protection while concurrently addressing the need to manage borders effectively.

RECOMMENDED STRATEGIES:

- Strengthen national laws regulating migration including through the creation of clear, transparent categories for admission/expulsion and clear eligibility criteria for protection.
- Improve the capacities of border management mechanisms and personnel by optimizing new border management technologies (improving the security of travel documents, computerization, in conformity with international norms, upgrading inspection, data collection and communication systems) and providing technical training for those involved in border management and migration policy.
- Provide adequate information about the requirements, challenges and opportunities of migration for the population in general and particularly for potential labor migrants before they cross borders;
- Strengthen co-operation and co-ordination at the national level between law enforcement officials, immigration and customs services to ensure a more efficient and effective approach to managing the flow of goods and people across borders.
- Strengthening co-operation between States' sub-regional/regional agencies, and the international community in particular in the area of law enforcement, sharing migration-related data and information, training and sustained dialogue.
- Enhance the role of AU as well as other sub-regional/regional agencies in mobilizing financial/technical resources, harmonizing policies and programmes of action, and coordinating activities of Member States for effective border management.
- Strengthen Inter-State Dialogue, Regional Consultations and Cooperation for effective migration and management of State borders.

2. IRREGULAR MIGRATION

2.1 Migrant Smuggling

Due to a number of factors including growing economic disparities, greater opportunities for employment abroad, increased barriers for regular migration, technological advances in the areas of information and transportation, a growing proportion of migrants are moving irregularly in order to gain access to employment abroad, thus challenging States' border management activities. Migrant smuggling is closely tied to other forms of international organized crime including trafficking in human beings in that it can adversely affect national and international stability and security. Since 2000, a legal distinction exists between smuggled and trafficked persons such that trafficked persons are to be considered victims of a crime and should therefore have the right to certain protections and assistance (see below). By contrast, a smuggled person is simply considered to be someone who requests assistance to cross into another nation state where s(he) has no right of residence, and where the smuggler's involvement goes no further than the crossing of the border.

Despite this distinction, it should be noted that migrants who resort to smugglers often find themselves in positions of extreme vulnerability, paying large sums of money to undertake perilous voyages in order to seek out employment. Consequently, government responses and policies to smuggling should at all stages take account of migrants' human rights, and to the extent possible, seek to respond to the motivations behind this form of irregular migration.

RECOMMENDED STRATEGIES:

- Strengthen national policy, structures and laws to establish co-coordinated and integrated approaches at national level through, among others, incorporating the United Nations Convention Against Trans-national Organized Crime and its two additional Protocols (2000), Protocol to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children, and the Protocol Against the Smuggling of Migrants by Land, Sea and Air and harmonizing provisions into national legislation.
- Develop common regional countermeasures, that incorporate considerations to encourage more legal channels and orderly migration, dismantle international organized criminal syndicates, prosecute smugglers and others involved in such activities while, at the same time providing humane treatment for migrants.
- Encourage regional consultative processes and dialogue on irregular migration to promote greater policy coherence at the national, Sub-regional and regional levels.
- Reinforce and encourage joint cross-border patrols between neighboring States.
- Adopt comprehensive information collation systems on smuggling to facilitate the tracking and dissemination of information on the trends, patterns and changing nature of smuggling routes as well as the establishment of databases on convicted smugglers.

2.2 Human Trafficking

The core element of trafficking is the fact that the victim is deprived of her/his will and is forced into slavery-like conditions or involuntary servitude. It is thus imperative to improve the identification of victims of trafficking, to treat them as victims of a crime rather than criminals, and to afford them protection and assistance (including, inter alia, privacy; information on proceedings; physical and psychological recovery; provisions for safety; measures to avoid immediate deportation; and safe repatriation). Child trafficking presents particular challenges in Africa, and special requirements should be considered to ensure protection and assistance to child victims of trafficking. An effective three-point strategy that reduces trafficking includes i) prevention through revising and strengthening legislation; ii) focusing training, capacity building and developing information campaigns for vulnerable groups; iii) providing material and legal protection for victims of trafficking including return and reintegration, as well as, the prosecution of traffickers and their accomplices. Studies and reports confirm that the organized criminal groups responsible for drug trafficking are also involved in human trafficking consequently, addressing the root causes of trafficking generally necessitates the implementation of national policies that improve economic and social conditions in States of origin.

RECOMMENDED STRATEGIES:

- Reinforce national policy, structures and laws in order to establish a co-coordinated and integrated approach at national level by incorporating the United Nations Convention Against Trans-national Organized Crime and its Trafficking Protocol (2000), Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol Against the Smuggling of Migrants by Land, Sea and Air; Convention 182 of the ILO on the Worst Forms of Child Labor, and integrating relevant provisions into national legislation.

- Member States are encouraged to adopt those instruments that sanction the trafficking in narcotic drugs and psychotropic substances as addressed in (i) The 1961 United Nations Single Convention on Narcotic Drugs; (ii)The 1971 United Nations Convention on Psychotropic Substances; and (iii) The 1988 United Nations Convention on Illicit Trafficking in Narcotic Drugs and Psychotropic Substances

- The development of common regional countermeasures, based on a spirit of solidarity among States and with a focus on the human rights of trafficked victims, including harmonization of immigration laws; strengthened and modernized border management; co-operation and co-ordination between concerned ministries, particularly State security agencies; greater efforts to dismantle international organized criminal syndicates; signing of bilateral and multilateral agreements; and prosecuting traffickers and others involved in such activities.

- Reinforcement of information gathering systems relating to trafficking to facilitate dissemination of information on the changing nature of trafficking routes and, the establishment of databases on convicted traffickers and on missing persons, presumed to be victims of trafficking.
- Increasing of awareness on the dangers inherent in irregular migration from State of origin to receiving State thereby allowing the citizens to make informed choices.
- Pursue and develop preventive action through intensive information campaigns and other educational and informational efforts in both the country of origin and the receiving country.
- Member States are urged to condemn in very strong terms sexual tourism and prostitution in receiving States in order to discourage trafficking in women and children as well as pedophiles in source States.
- Extend adequate protection and assistance to victims of trafficking, including establishing reception centers, return and reintegration assistance such as settling grants, skills training and employment counseling as well as access to health care and psycho-social counseling, including voluntary testing and counseling for HIV/AIDS and other sexually transmitted diseases.
- Strengthening Law Enforcement measures to curb the activities of traffickers and consider stiffer penalties for perpetrators.
- Explore opportunities for prosecution of traffickers and others involved in such activities, and extend witness protection to victims of trafficking who want to testify against traffickers.

2.3 Return and Re-Admission

A fundamental element of State sovereignty is the right of States to decide who and under what conditions persons may have permission to enter their territory. The right of individuals to free movement does not imply a right of entry or stay. While not all cases of return involve irregular migrants, it is persons who are in an irregular status (including without documents) who are often a source of contention between States of return and those of re-admission. The process of effective and sustainable return and re-admission of irregular migrants requires co-operation and mutual understanding between States of origin and destination. Enhanced dialogue between States, particularly in the context of North-South relations, is critical in implementing effective, safe, humane policies and, mechanisms for return and readmission.

RECOMMENDED STRATEGIES:

- Create standards and procedures, based on law and policy, for the return, re-admission and re-integration of excludable migrants in line with relevant International legal instruments. (i) each Member State of the European Union shall accept the return of and re-admission of any of its nationals who are illegally present on the territory of an African State, at that State's request and without further formalities; (ii) each of the African States shall accept the return of and readmission of any of its nationals who are illegally present on the territory of a Member State of the European Union, at that Member State's request and without further formalities. The Member States will provide their nationals with appropriate identity documents for such purposes.
- States should acknowledge a duty and responsibility in preventing their citizens from irregularly migrating to other states via the establishment of inter-State and intra-regional procedures, based on law and policy for the return, re-admission and re-integration of excludable migrants.
- Ensure that the rights and interest of irregular migrants are not violated when there are cases of mandatory return.
- Identify, to the maximum extent possible, measures to encourage and facilitate voluntary departure and return.
- Enhance international and regional co-operation in the area of return and readmission including through the signing of return and readmission agreements to ensure that returns are undertaken in a humane and orderly manner.
- Strengthen national border management capacities through enhanced capacity building measures, such as training and technical co-operation with inter alia IOM, ILO and with UNHCR as pertains to refugee matters at the border.
- Establish re-admission Committees to assist and integrate returnees.

2.4 National and International Security and Stability

Large spontaneous and unregulated flows can have a significant impact on national and international stability and security, including by hindering States' ability to exercise effective control over their borders, and creating tensions between States' of origin and destination, as well as, within local host communities. Recent international terrorist activity has also turned the focus on individual migrants and the potential for public order to be comprised by individuals whose intent is to undermine the security and stability of States and societies. Combating irregular migration and establishing comprehensive migration management systems can contribute to enhancing national and international security and stability.

RECOMMENDED STRATEGIES:

- Strengthen national and inter-state efforts to prevent persons from moving across boundaries for illegal purposes.
- Call upon the AU to strengthen the capacities of conflict prevention, management and resolution mechanisms at the regional and continent-wide levels with a view to promoting peace, security and stability throughout Africa, and the implementation of the Lusaka Declaration.
- Strengthen diplomatic initiatives to diffuse volatile situations before they lead to conflict and displacement, and enhance intra-regional and international co-operation in order to further the capacity of African States to respond in a timely and efficient manner to large, spontaneous migration and refugee flows, including establishing early warning mechanisms.

3. FORCED DISPLACEMENT

3.1 Refugees and Asylum-Seekers

Refugee protection is a central aspect of international, regional, and national efforts to protect persons fleeing persecution. African States have a long tradition of hospitality towards refugees and have developed legal frameworks governing aspects of refugee protection specific to Africa. Nevertheless, the large numbers of refugees displaced by conflict and other factors, pose serious challenges to States. Strengthening the response to refugee crises requires further efforts at the national level to establish legislative frameworks, policies, and structures giving effect to international protection obligations; redoubling efforts to find durable solutions for refugees in collaboration with UNHCR and other national and international partners; and addressing root causes of refugee movements including conflict and political instability.

RECOMMENDED STRATEGIES:

- States are encouraged to adopt and incorporate into national policies the international instruments pertaining to the protection of refugees including the 1951 Convention on the Status of Refugees and its 1967 Protocol, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.
- Effective national implementation of protection obligations arising out of the relevant treaties, the principle of non-refoulement, registration and issuance of identity documents, access to work and education opportunities, treatment according to minimum humanitarian standards, through incorporation into national legislation and policy.
- Establish effective and fair procedures for individualized refugee status determinations, including granting refugees meaningful access to such procedures.

- National eligibility committees - must move away from turning status determination interviews into courtrooms. Committees must as much as possible align themselves with the principle of inclusion before exclusion; give the prospective refugees a benefit of doubt that he/she is telling the truth.
- Train relevant law enforcement officials who have first contact with refugees (immigration officers, customs, police, and et alia) in the obligations set forth in relevant international instruments, to enable appropriate and humane screening of asylum-seekers at borders and referral to the competent authorities.
- Establish focal points within relevant ministries and devise national contingency plans in order to enhance capacities to address situations of mass displacement as well as mass return in a timely, efficient and appropriate manner.
- Safeguard the human security needs of refugees (physical, material, legal and health), especially in the context of refugee camps and with particular attention to the needs of vulnerable groups (women, children, disabled, and the elderly), while at the same time ensuring that refugees are aware of national laws, regulations and their obligations to abide by these.
- Increase local protection capacities through the involvement of civil society, for example by engaging NGOs in the provision of legal and social counseling to refugees, preliminary interviews and preparation of files for National Eligibility Committees, and public information campaigns to counter xenophobia.
- Engage in public information and awareness campaigns on the plight and rights of refugees including the contribution refugees can make to the development of host communities, in order to counter increasing xenophobic tendencies and foster tolerance and understanding.
- Develop mechanisms to ensure easy and timely access to refugee hosting areas, including through the (advance) designation of refugee residence areas, and calling upon the international community to assist wit the rehabilitation of affected areas after refugee populations have departed.
- Ensure that refugees and asylum-seekers are registered and issued with appropriate identity documents such that their status can be easily identified in their dealings with public authorities and private institutions such as banks, employer organizations, housing/estate agencies and other institutions that require identification..
- Strengthen intra-regional co-operation in order to respond in a timely and effective manner to "mass influx" situations, including through the development of regional contingency plans in concert with UNHCR and other international and regional partners.
- Support international efforts to find durable solutions to mass displacement by promoting the objectives of UNHCR's Agenda for Protection and the Comprehensive Implementation Plan for Protection Activities in Africa (CIP) inter alia through local capacity building and more equitable international burden sharing, including consideration of bilateral and multilateral frameworks for co-operation in line with UNHCR's Convention Plus initiative, and the possibilities of targeted development assistance and debt relief to major refugee hosting countries.

- Strengthen bilateral cooperation between states with regard to the treatment and status of refugees;
- Conduct sensitization programmes for refugees on the need to respect and abide by the laws in the asylum countries;
- Most important: At highest levels, assembly of Heads of States and respective governments must be monitored as to their compliance to ratified instruments and be held accountable in the event of apparent failure to comply.
- Encourage countries to give priority to family tracing and reunification for separated and unaccompanied refugee children. Where tracing is unsuccessful, mechanisms should be devised to allow for the adoption of refugee children where possible. Where children are allowed to be adopted by citizens, they should be given the opportunity to choose their nationality upon attaining majority in accordance with national law.
- African refugees should be given equal treatment with others from other parts of the world in line with International Standard as it applies to Refugees all over the world.

3.2 Internally Displaced Persons

Displacement of populations within a country often occurs as a result of conflict or natural disasters. Today the IDP population in Africa outnumbers the refugee population by a wide margin, thereby creating the need for comprehensive and concerted efforts to address the issue of internal displacement. Recently, efforts have been made to develop more systematic approaches to address the protection needs of displaced populations, notably through the appointment in 1992 of a UN Special Representative on the Internally Displaced and the elaboration of UN Guiding Principles on Internal Displacement. The UN has also established an IDP Unit within the Office for the Co-ordination of Humanitarian Affairs (OCHA) to strengthen its institutional response to internal displacement situations through enhanced inter-agency co-operation.

The International Committee of the Red Cross (ICRC) has a specific mandate to provide protection and assistance to victims of armed conflicts, internal disturbances and tensions, including IDPs. In general, the ICRC mandate is discharged in close co-operation with the National Red Cross and Red Crescent Societies.

RECOMMENDED STRATEGIES:

- States are encouraged to incorporate into national legislative and policy frameworks, measures pertaining to the protection of civilians in armed conflicts as defined in the 4 Geneva Conventions of 1949 their 2 Additional Protocols of 1977 and, the tenets of the UN Guiding Principles on Internal Displacement into national legislative and policy frameworks.

- Enable relief consignments of a humanitarian and impartial nature to reach civilian populations in need, and safeguarding the security of aid agency personnel.
- Promote collaboration with the IDP Unit of the UN Office for the Co-ordination of Humanitarian Affairs and the UN Secretary General's Special Representative on Internally Displaced Persons.
- Call upon the international community to increase the assistance of humanitarian agencies to enable governments in fulfilling their obligations towards the internally displaced, and ensure access to highly insecure areas where humanitarian assistance is inhibited, for example by means of humanitarian corridors.
- Urge the participation of all AU Member States in the formulation of an effective, strategic policy for the management of internally displaced persons.

3.3 Protracted Displacement Situations

Protracted displacement situations present particular challenges for African States which host large numbers of refugees and other displaced persons who have been unable to return to their home countries for long periods of time. Situations of displacement become protracted when the causes of displacement are not addressed or remain unresolved, for instance in conflict situations where continuing conditions of insecurity prevent refugees from returning home. Protracted displacement situations have adverse consequences for the lives of refugees and IDPs who are at risk of suffering material, social and cultural deprivation in camp settings for prolonged periods of time. A persisting problem in this context is the vulnerability of refugees to harassment and/or recruitment by armed elements. Moreover, the protracted presence of large numbers of displaced persons can lead to tensions with local host communities, competition for scarce resources, environmental degradation, xenophobia, and ultimately constitute a source of conflict itself. Recent efforts to address protracted displacement situations reflected in UNHCR's Agenda for Protection and elsewhere have emphasized the notion that durable solutions necessitate more equitable burden sharing among States, such as for instance the linkage of refugee issues to national, regional and multilateral development assistance initiatives.

RECOMMENDED STRATEGIES:

- Adopt measures to enhance self-sufficiency of refugees and IDPs residing in camps, including, inter alia, granting rights to employment, access to land, freedom of movement and other social-economic rights when possible.
- Ensure that refugees and IDPs have access to education and skills training in order to facilitate their eventual integration or reintegration into host and/or home communities.

- Adopt measures to preserve the civilian and humanitarian character of refugee camps by ensuring the physical safety of refugees and IDPs and security of camps, including, where necessary, establishing civilian camp police forces, and making efforts to separate combatants and other armed elements from refugee populations.
- Use voluntary repatriation (through repatriation, reintegration, rehabilitation, reconstruction mechanisms), local integration (through development by local integration mechanisms) and resettlement, as applicable, to address protracted displacement situations through a comprehensive and integrated approach based on international solidarity and burden sharing.
- Counter environmental degradation caused by the protracted presence of displaced persons by implementing relevant and targeted environmental protection programmes, and calling upon UNHCR and countries of first asylum to identify areas for resettlement giving appropriate consideration to environmental factors.

3.4 Crisis Prevention, Management and Conflict Resolution

Conflict is a root cause of forced displacement. Displacement caused by conflict has destabilizing effects on national and regional security, with adverse consequences for the ability of host nations to provide protection to refugees and security to their own nationals. Since forced displacement is closely linked to conflict—both as a consequence and as a potential cause of further conflict—challenges posed by refugee and IDP movements must necessarily be addressed within the broader context of political and institutional efforts at the national, regional and Continent-wide levels aimed at strengthening political dialogue and institutions, and at preventing and managing conflict.

RECOMMENDED STRATEGIES:

- Strengthen diplomatic initiatives to defuse volatile situations before they lead to conflict, and enhance intra-regional and international co-operation in order to further the capacity of African States to respond in a timely and efficient manner to large, spontaneous migration and refugee flows.
- Call upon the AU, Regional and Sub-regional Economic Community Member States' national security mechanisms to strengthen conflict prevention, management and resolution capacity for promoting peace, security and stability throughout Africa, and the implementation of the AU Lusaka Decision (2001) for an integrated policy on migration.
- Introduce post conflict recovery measures in terms of improving economic conditions, rebuilding infrastructure and reversing the environmental impact of conflict.
- Adopt early warning mechanisms for conflict in order to better manage migration movements and to ensure national and regional stability.
- Enhance the demobilization, rehabilitation and reintegration of ex-combatants, inter alia, by establishing information system, counseling and referral services.

2 HUMAN RIGHTS OF MIGRANTS

2.1 Legislation and Policies

Ensuring the effective protection of the human rights of migrants is a fundamental component of comprehensive and balanced migration management systems. Historically, migrants have often been deprived of their rights and subjected to discriminatory and racist actions and policies including exploitation, mass expulsion, persecution and other abuses. Safeguarding the human rights of migrants implies the effective application of norms enshrined in human rights instruments of general applicability as well as the ratification and enforcement of instruments specifically relevant to the treatment of migrants.

The term 'Freedom of movements and right of residence' relates solely to the Universally accepted Human Rights concept which asserts ".....a national of a state, in which that national is present, generally has the right to leave that State, travel wherever the national is welcome and, with proper documentation, return to that state at any time; and also (of equal and greater importance) to travel to, reside in, and / or work in, any part of the State the national wishes without interference from the State..' and is respected in the constitutions of numerous developed and developing States, as well as, in the protocols of the Abuja Treaty (July 1991) Chap. VI Art 43)' Free Movement of Persons, Rights of Residence and Establishment' and (Chap XIII Art 71) Human Resources.

RECOMMENDED STRATEGIES:

- Reinforce national policies and legal frameworks by incorporating key instruments from declarations extending fundamental human rights protections to migrants, including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women, the Convention Against Torture, ILO Conventions 97 and 143, and relevant regional human rights instruments including the African Charter on Human and People's Rights.;
- Harmonize national legislation with international convention to ensure the protection of the rights of migrants.
- Ensure that migrants who are detained by public authorities, are treated humanely and fairly regardless of their immigration status, and are afforded all applicable legal protections, including where appropriate the assistance of counsel and competent interpreter services, access to their consulates, protections against arbitrary detention, in accordance with norms of international law.

- Ensure that migrants have access to the courts, lawyers, judicial system, and relevant government agencies, including inter alia the opportunity to contest repatriation/expulsion procedures in a manner consistent with international standards.
- Promote the integration of migrants in host societies in order to foster mutual cultural acceptance and as a means of ensuring that the rights of migrants are respected and protected.
- Disseminate information about migrants, through public information and education campaigns and other means in order to promote respect for, tolerance and understanding of migrants, and to counter anti-immigrant and xenophobic attitudes.
- Create an enabling environment for migrants' rights to be respected including allowing migrants to defend their rights by forming migrant associations.
- Strengthen the gender dimension in the training activities related to human rights particularly the staff in charge of receiving the group of migrants or refugees for positive discrimination.
- Facilitate the establishment of NGOs who could assist and monitor migrants on the national territory as well as support the implementation or enforcement of internal domestic legislation and international convention.
- Provide migrants with adequate and free administrative support and, other services in a language they understand to assist them in employment.
- Provide migrants with accommodation, adequate food and clothing upon arrival regardless of period of tenure in the country. Access to training in vocational skills should be provided to help migrants acquire new qualifications and skill in the host country.
- States committed to incorporating good practice strategies are urged to consider that humane policies also relate to the non-forcible return of a migrant or his/her family to their State of origin due to illness or injury sustained subsequent to entry.
- Migrants particularly irregular migrants should be afforded access to basic health care including Reproductive Health, ARV for HIV/AIDS and other services.

3.5 Principles of Non-Discrimination

RECOMMENDED STRATEGIES:

- Implementation of the relevant elements from the Programme of Action of the World Conference Against Racism and Xenophobia (WCAR) held in Durban in 2001 through adoption of national legislative and policy frameworks, including measures to ensure the fair and non-discriminatory treatment of migrants, regardless of status, with particular attention to preventing discrimination against women, children, the elderly and members of minority groups.
- Encourage States to develop/promote anti-racist and gender-sensitive human rights training for public officials, including personnel in the administration of justice, particularly law enforcement, correctional and security careers, as well as among health-care providers, schools and migration authorities.

- Ensure that migrants themselves abide by the pertinent laws of the land and also respect and treat members of the host community in a non-discriminatory fashion.
- Encourage international agencies dealing with migration and human rights issues to exchange information and coordinate activities aimed at tackling racism, racial discrimination, xenophobia, and related intolerance against migrants, including migrant workers, women, children and the elderly.
- Member States who welcome the return of migrants to their States of origin must establish reception committees composed of psychologists, officers of Ministries of Labor and national education and others, in order to ensure adequate reception, follow-ups and guidance.

A growing concern for States is the rise in discrimination and xenophobia against migrants. Discrimination against migrants creates social tensions in both origin and destination countries; hinders the successful integration of migrants into host societies; and prevents the enjoyment by migrants of their fundamental rights. Combating racism and xenophobia is consequently an essential element of comprehensive national policy on migration.

3.6 Integration and Re-integration

Migrants' successful integration in host communities and re-integration in home communities contribute to social stability and cohesion, mutual respect, and cultural acceptance. Integration requires that regular migrants be granted access to basic social services, such as education, health and employment. Re-integration of returning nationals may also require special measures to ensure their successful re-insertion in home communities.

RECOMMENDED STRATEGIES:

- Ensure equal treatment between migrants and nationals as stipulated under labor migration above.
- Encourage the integration of the children of long-term migrants by providing them with education, training and economic opportunities equal to those of nationals, and facilitating their naturalization and promoting family reunification policies as recommended in Article 10 of the Convention on the Rights of the Child and other relevant universally recognized international human rights instruments.
- Adopt measures for the integration and re-integration of migrant workers in order to encourage mutual cultural and social acceptance, and to ensure that the rights of migrants and members of their families are respected and protected, and to this end, initiate bilateral agreements between States of origin and destination establishing appropriate programs and structures that guarantee the human rights of migrants.

- Migration policies must be gender sensitive, that is, accommodating returning women migrants and their children and their spouses. Local women married to migrants in their States, should be enabled to join their spouses without undue restriction.

3.7 Stateless Persons

The right to a nationality is a fundamental right recognized under international law. Nevertheless forcibly displaced persons are affected disproportionately by the problem of statelessness, especially women and children. Persons may become stateless as a result of inter-State conflict and the consequent redrawing of political boundaries, or as a result of extended stays abroad and changes in civil status while abroad. Stateless persons are unable to avail themselves of the protections of citizenship and are consequently vulnerable to the deprivation of their rights.

RECOMMENDED STRATEGIES:

- Incorporate key guidelines as recommended in the 1954 and 1961 Statelessness Conventions.
- Develop national legislative and policy frameworks to counter statelessness, particularly in cases of long-term residents, by reforming citizenship legislation and/or granting rights similar to those enjoyed by foreigners residing in the country.

4. INTERNAL MIGRATION

Internal migration is impacting population distribution in Africa in important ways. The most significant feature of internal migration is the process of urbanization, which African countries are experiencing at an especially high rate compared to other regions of the world. Urbanization is caused by a series of complex and inter-linked "push" and "pull" factors: civil strife, environmental degradation, natural disasters, and declining agricultural yields, are some of the push factors causing rural populations to move to cities. Pull factors include increased opportunities for employment, education and better access to healthcare offered by urban settings. While urbanization is an integral aspect of economic and social development experienced by both developed and developing countries, if rapid and unregulated, it can have adverse consequences for migrating and urban populations by straining the existing urban infrastructure and services and resulting in higher rates of urban poverty, lack of access to adequate housing, health care, education and other services, and environmental problems. Promoting sustainable urbanization constitutes therefore a priority concern for African governments in the years ahead.

RECOMMENDED STRATEGIES:

- Strengthen efforts to address causes of internal migration including poverty, environmental degradation, natural disasters, and conflict, especially as they relate to the process of urbanization.
- Take steps to ensure that persons migrating internally have adequate access to basic services such as education, healthcare and employment especially in urban centers with rapidly growing populations of migrants from rural areas.
- Strengthen data gathering and research on factors, trends and characteristics of internal migration and geographical distribution of population and formulate more effective policies relating to population distribution and migration.
- Promote the establishment and consolidation of democracy in African countries based on transparent, regular and participatory processes, respect for human rights and the rule of law.
- Implement comprehensive macro-economic and sectoral policies, in concert with donor agencies and other partners, to reduce poverty, generate employment and investments opportunities in Africa.
- Provide adequate information to prospective migrants on the opportunities and prospects of different destinations so that they can make informed decisions.

4. MIGRATION DATA

3.8 Collection and Analysis of Migration Data

The lack of reliable migration data is one of the principal obstacles to effective migration management, policy and co-operation. As in most parts of the world, the continuing need for systematic and comprehensive migration data gathering, analysis and exchange on all aspects of migration remains a critical challenge both within and between African States. Investments in technology and related capacities for accurate and timely retrieval, analysis and dissemination; the need for compatible definitions of migrant categories; and the political will to engage in exchange of migration-related information are some of the components of effective migration information systems.

RECOMMENDED STRATEGIES:

- Enact laws for collection and dissemination of data on Migration.
- Greater co-ordination between ministries and research institutions gathering migration data, including the establishment of a national migration statistics unit in charge of coordinating the gathering of migration statistics.
- Develop a systematized registration mechanism at embassies or consulates to record the number of nationals living abroad in order to provide them with the necessary assistance.

- Capitalize on technical, material and financial assistance from UN Agencies, International Organizations
- Encourage international community to implement effective digital funds proposed by Africa for its participation to the information society.
- Support the implementation of the NEPAD Initiative concerning in particular the aspect of ICT to facilitate the collection and exchange of data.

3.9 Regional Migration Data Exchange

In addition to efforts at the national level to systematically collect and develop data, regional collection, analysis and exchange of migration data foster greater understanding of migration trends and realities within regions. It also serves as a basis for the development of effective regional migration management policies, and furthering regional collaboration on migration issues.

RECOMMENDED STRATEGIES:

- Formulation and implementation of a common regional data standard and other initiatives to strengthen regional efforts to collect, analyze and share accurate basic information and data on the characteristics of migration in each country with a view to improving security, and fostering migration and regional integration.
- Constitution of a regional forum for further exchange of information, experience and perspective among governments, and through which a stock taking of existing mechanisms and data could be undertaken; "best practices" highlighted; common definitions identified (such as those in the UN Recommendations on Statistics of International Migration); and bi-lateral and multi-lateral possibilities for data harmonization considered.
- Facilitate the exchange of information between responsible authorities in charge of management of legal migration flow and fight against illegal migration and trafficking of human beings.

4. MIGRATION AND DEVELOPMENT

4.1 Collaboration with African Diaspora

Whether skilled or unskilled, migration contributes to the development of State economies. Migrants often maintain a web of connections with their home States creating beneficial feedback effects such as the transfer of remittances, knowledge, skills and technology, as well as short and long-term return migration. Strengthening these feedback effects by enhancing collaboration with the African diasporas is a key

aspect in fostering the migration-development nexus and was identified in NEPAD as a sectoral priority within its Human Resource Development Initiative.

RECOMMENDED STRATEGIES:

- Encourage entities such as the EU/EC, AU, ILO and IOM and other organizations and their respective projects to assist in fostering stronger relationships between African States and the African Diaspora in order to create enabling conditions for the participation of migrants in the development of their home countries.
- Create the necessary political, social and economic conditions such as an enabling policy environment, democracy and good governance to serve as incentive to attract Diaspora.
- Establish a reliable database on the Diaspora both to determine the extent and magnitude and to promote networking and collaboration between experts in the State of origin and those in the Diaspora.
- Facilitate the return of qualified nationals, resident in developed States through appropriate re-settlement incentives. Create appropriate institutional mechanism within relevant ministries to manage relations with nationals abroad and to facilitate transfer of scientific knowledge and encourage trade and investment.
- Expand South-South, North-South dialogue and partnerships to foster sharing of human resources, skills, technology, and knowledge in Africa.
- Encourage AU Member States to integrate Migration and Development policies particularly Poverty Reduction Strategy Papers (PRSP, etc), in their National Development Plans.
- Develop national plans of action aimed at comprehensive approaches to migration and development in order to contribute to the achievement of the Millennium Development Goals (MDGs.).

4.2 Brain Drain

"Brain drain" occurs when significant numbers of highly skilled nationals leave their State of origin to seek livelihoods abroad. This phenomenon can have detrimental effects on the economies of States of origin countries by hampering the growth and development of industries and service sectors where highly skilled nationals are needed. NEPAD specifically recognizes the reversal of "brain drain" as a sectoral priority. Countering "brain drain" and mitigating its effects on national economies are therefore important policy objectives for African countries.

RECOMMENDED STRATEGIES:

- Counter the exodus of skilled nationals particularly health professionals by promoting the NEPAD strategy for retention of Africa's human capacities; targeting economic development programmes to provide gainful employment, professional development and educational opportunities to qualified nationals in their home countries.
- Counter the effects of "brain drain" by encouraging nationals abroad to contribute to the development of their State of origin through financial and human capital transfers such as short and long term return migration, the transfer of skills, knowledge and technology including in the context of programmes such as the IOM MIDA (Migration in Development for Africa) Programme, and activities of ILO, WHO and other relevant agencies.
- Foster private sector opportunities to provide alternative employment to the low paying public sector and reduce brain drain.
- Member States are encouraged to establish policies for the replacement of qualified persons who have left the State of origin and implement retention policies and related strategies.
- Maximize the contribution of skilled professionals in the Continent by facilitating mobility and deployment of professionals in a continental and regional framework.

4.3 Remittance Transfers

The total global volume of remittance transfers to developing countries far exceeds official development assistance (ODA) and has important macro-economic effects by increasing the total purchasing power of receiving economies. African countries receive significant amounts of remittances relative to size of GDP. Remittances are used by migrants' families to meet daily subsistence needs, health and education, but are also invested in improvements to land, homes, entrepreneurial activities, et cetera. Identifying ways to maximize the developmental effects of remittances, and improving remittance transfer mechanisms are therefore topics of growing importance to Africa.

RECOMMENDED STRATEGIES:

- Encourage the transfer of remittances by adopting sound macro-economic policies conducive to investment and growth and appropriate financial sector policy that encourage financial institutions and their outreach: post office networks, supporting credit unions, and rural financial service providers.
- Strengthen collaboration with relevant stakeholders in civil society, donor community and financial sector to create incentive strategies and investment opportunities for remitters in commercial, entrepreneurial, savings and other productive activities.
- Improve the quality of data on remittance and migration statistics to create a solid basis for future policy action on remittances.

- Promote the effective mobilization and utilization of the Diaspora funds for investments and development in the public and private sector which in the long term will improve the macro-economic environment and reduce outflows or immigration of African professionals.

5. INTER-STATE AND INTER-REGIONAL COOPERATION

The ever-growing number of migrants and complexity of migratory movements within and across regions highlight the need to develop co-operative inter-State and inter-regional approaches to managing migration in Africa. Such co-operation can be fostered by developing clear objectives, providing opportunities for exchange of experiences, views and best practices, and working towards co-coordinated implementation of policies and programmes. The need to speak a 'common language' when addressing migration and forced displacement issues is a critical step, and one that is on-going and evolving. Other actors in civil society and the international community provide important contributions in this regard. Such co-operation and collaborative partnerships extends throughout the African Continent, and beyond to other States and regional entities such as the European Union.

RECOMMENDED STRATEGIES:

- Development of a common migration policy among African countries towards harmonization of laws, standards, procedures, information, dissemination and sharing, statistics, documents, and efficient use of resources.
- Integrate migration and displacement issues into the national and regional agenda for security and stability in addition to development and co-operation.
- Develop modalities or Action Plans incorporating the relevant provisions of the Cairo Plan of Action adopted at the Africa-Europe Summit Cairo 3-4 April 2000; Article 13 on Migration of the EU-Platform on Future Relations between Africa and the EU (Follow-up to the Cairo Summit, Ouagadougou 28 November 2002); the Provision of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the United Nations Convention Against Trans-national Organized Crime and its two additional Protocols (2000), Protocol to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children, and the Protocol Against the Smuggling of Migrants by land, Sea and Air.
- Engage the European Commission in increased dialogue and analysis focusing on the relationship between migration and development in Africa within the context of the Africa-Europe Summit and the relations under the Cairo Plan of Action, for example, by organizing fora with a wider range of actors in the development field, such as AU, Regional Economic Communities (RECs), UNDP, the World Bank, IMF, African Development Bank (ADB), WCO, WHO, ILO, IOM and other concerned institutions, to collaborate with the European Commission and other concerned entities in the organization of such fora.

6. OTHER SOCIAL ISSUES DESERVING ATTENTION

6.1 Migration, Poverty and Conflict

Current international, regional and national dialogues on migration management reflect a consensus that comprehensive migration management policies need to address the root causes of migration. Conflict, insecurity, environmental degradation and poverty are significant root causes of mass migration and forced displacement in Africa. Activities aimed at preventing and managing conflict, promoting good governance and the rule of law, and eradicating poverty and addressing environmental concerns are therefore critical to ensuring the future success of national, regional and pan-African migration management policies.

RECOMMENDED STRATEGIES:

- Put in place strategies aimed at reducing poverty, improving living and working conditions, creating employment opportunities and developing skills that can contribute to addressing the root causes of migration.
- Include Migration, in the framework of development strategies and national and regional programming (MDG, PRSP, TICAD) with the purpose of supporting the economic and social development of the regions (rural and urban) from which migrants originate in order to address the root causes of migration and to reduce poverty.
- Draw up reliable policies for the protection of the environment in order to avoid natural disasters, the encroachment of the desert and soil degradation which are major sources of displacement of people from their natural environment.
- Promote the establishment and consolidation of democracy in African countries based on transparent, regular and participatory processes, respect for human rights and the rule of law and support pan-African institutions and initiatives reflecting these objectives including promoting the activities of the NEPAD African Peer Review Mechanism (APRM).
- Reinforce pan-African and regional mechanisms for conflict prevention, management and resolution through, inter alia, the promotion of the AU's Peace and Security Council and other pan-African and regional security enhancing mechanisms and early warning systems.
- Support programmes for disarmament, demobilization, detoxification and reintegration of former and demobilized combatants with particular attention to the predicament of child soldiers.
- Support the involvement of women in conflict prevention and peace building by including a gender perspective in these activities and facilitating the active participation of women in peace negotiations and other diplomatic initiatives.

6.2 Migration and Health

The linkages between migration and health concerns have recently been brought to the forefront in the international discourse on migration, notably in the context of the spread of communicable diseases such as, inter alia, HIV/AIDS. Migrants are especially susceptible to health risks because of their pronounced conditions of vulnerability, including their restricted access to health services, both during and after periods of mobility. Because of the complex nature of the relationship between migration and health, the elaboration of comprehensive strategies addressing health matters will necessarily require further research on the underlying health problems and vulnerabilities of migrant populations, and considerations of access and entitlement to basic health services.

RECOMMENDED STRATEGIES:

- Ensure migrants have adequate access to health care services by granting access to national healthcare systems and programmes ensuring that cultural and/or linguistic barriers do not prevent migrants from seeking and/or obtaining care especially in relation to dual protection from intended pregnancies, STI's, Tuberculosis and HIV/AIDS infection.
- Ensure that refugees and displaced persons have adequate access to healthcare services even in refugee camp settings, and with special regard to the needs of vulnerable groups, by inter alia enhancing collaboration with UNHCR, IOM, WHO, ICRC, UNFPA, UNAIDS, and other relevant agencies to this end.
- Strengthen research and data collection initiatives on the relationship between health and migration and enhancing co-operation between countries and relevant agencies including WHO, UNAIDS, IOM, UNFPA and ILO to this end.
- Support the implementation of regional policies, particularly Abuja Declaration and Plan of Action on HIV/AIDS, Tuberculosis, Malaria and other related infectious diseases; Decision CM/Dec. 673 (LXXIV), which recognized the vital role played by human resources in the promotion of health and called upon states to develop a realistic plan for development of human resources for health.
- To highlight the crises proportion with which number of qualified and skilled persons leaving countries of origin and social sector such as Health and education. The effect and impact of these losses and the quantity and quality are very important and crucial.
- Advocate for better utilization of human resources in the health sector and also increase support in retention strategies of health sector professionals as stipulated in CM/Decision 673 (LXXIV) which declares 2004 as the Year for Development of Human Resources in Africa.
- Advocate for the inclusion of migrants and mobile population health issues into national and regional health programs and strategies
- Support the establishment of Health and Social Affairs Desks at the level Regional Economic Communities (REC's) to harmonize migration and health policies and address cross-border health related issues among respective Member States.

6.3 Migration and Environment

Environmental factors play a role in causing population movements, and conversely, migration has an impact on the environment. For instance, internal migration, such as the process of urbanization is sometimes linked to environmental degradation and environmental disasters which force farmers and other rural populations off their land. Also, the presence of large numbers of displaced persons in refugee camps and IDP hosting areas can have negative effects on local environments. Environmental considerations are therefore playing an increasingly important role in the formulation of policies on migration and forced displacement.

RECOMMENDED STRATEGIES:

- Incorporate environmental considerations in the formulation of national and regional migration management policies to better address environment related causes of migratory movements as well as the impact migratory movements have on the environment; increasing collaboration with relevant international agencies to this end, including strengthening research and data gathering and exchange on the relationship between migration and the environment.
- Counter environmental degradation caused by large protracted presence of displaced persons, for example by means of implementing relevant and targeted environmental protection programmes including periodic review of ecosystem impacts and remedial measures to mitigate such impacts; in the case of protracted refugee situations, calling upon UNHCR and countries of first asylum to identify priority areas for resettlement based on the degree of potential environmental degradation and the need to protect ecosystems in a given area.

6.4 Migration and Trade

Countering poverty through economic development works towards alleviating an important migration pressure since nationals are no longer compelled to go abroad in search of economic opportunities. The relationship between economic development, trade and migration is an important one. In addition, due to multilateral negotiations taking place within the framework of the World Trade Organization (WTO), the issue of the movement of persons for trade in services is becoming a subject of increasing relevance within international trade agreements.

RECOMMENDED STRATEGIES:

- Acknowledge that productive investments can help to address some of the causes of migration, recognize the need to promote economic growth by fostering trade, productive investment and employment, and implementing economic and social policies geared towards alleviating migration pressures.

- Recognize the growing relevance of short-term migration and the movement of persons in the context of trade of services, and stressing the need for more information on the movement of highly-skilled workers and on the "trade value" of such moves, in terms of loss or gain for origin and receiving countries, and in order to assess their impact on future trade agreements.
- Encourage strengthened co-operation in the area of migration and trade amongst Regional Economic Communities (RECs), on bilateral and multilateral bases between African States, and beyond Africa.
- Put in place modalities or mechanisms that specifically deal with the temporary movement of persons in the context of GATS.
- Treat Mode 4 not only as a trade but also as migration issue and training relevant Immigration /trade officials in this regard from the government.
- Set up a dialogue between all government agencies dealing with migration, trade and labor issues in order to establish means of dealing with temporary movement of persons supplying services and thus to avoid delay and unnecessary problems with visa and work permits.
- Establish a secure, reliable and attractive environment likely to attract the necessary foreign direct investment to reduce migration through economic growth, creation of jobs and development of value-added generating social economic structures.

6.5 Migration and Gender

The increasing feminization of migration is an important emerging trend in today's migration landscape. Many women are now moving independently of spouses or partners. It is estimated that women account for almost half of all international migrants. The increasing feminization of migration is a reflection of the changing demands for particular types of skills including the growing demands in the service industries especially for domestic workers, nurses, teachers and other typically female dominated professions. Migrant women's vulnerabilities to exploitation are highlighted by the frequently abusive conditions under which they work, especially in the context of domestic service and sex industries in which migrant trafficking is heavily implicated. It is therefore important to give particular attention to safeguarding the rights (labor, human rights, et alia) of migrant women in the context of migration management.

RECOMMENDED STRATEGIES:

- Strengthening responses to the particular needs of migrant women, particularly ensuring that their health needs, labor rights and human rights are respected. Gender perspective should be integrated in national and regional migration management policies and strategies.

- Take effective steps to counter migrant trafficking and smuggling, and other illegal practices which specifically target and victimize migrant women.
- Ensure the adequate treatment, in the context of applicable human rights instruments, of women and children that are victims of trafficking and sexual slavery.
- Promote informational/educational campaigns to raise awareness about gender dimension of migration among policy makers and personnel involved in managing migration.

6.6 Migration, Children, Adolescent and Youth

The changing age composition of migrant flows is reflected in the increasing number of children, adolescent and youth who are migrating independently of parents. Whether migration is forced, as reflected in the very high percentage of children in refugee camps, or voluntary, the special needs of children, adolescent and youth in terms of providing adequate health care, education, shelter and protection from rights violations, involvement in armed conflicts present special challenges to States. In many parts of the world, including certain regions in Africa, child trafficking is a critical challenge that must be addressed from different angles including targeted prevention campaigns, protection and assistance to victims of trafficking, training of relevant authorities on how to address trafficking challenges and prosecution of traffickers and their accomplices.

RECOMMENDED STRATEGIES:

- Ensure that the rights of migrant children, adolescent and youth are effectively protected under national laws by incorporating relevant international instruments particularly the UN Convention on the Rights of the Child, the UN Convention Against Trans-national Organized Crime and its two Protocols; and Palermo Trafficking Protocol and ILO Convention 182 on the Worst Forms of Child Labor.
- Ensure, through legislative policy, that migrant children, adolescent and youth have adequate access to health care, education and shelter.
- The adoption and implementation of additional Protocols particularly those related to the involvement of children and youth in armed conflicts.
- Ensure that national migration policies are linked to policies relating to families with relevant cross-referencing between policy frameworks.
- Develop policies that encourage and promote migration and sports.
- Foster Exchanges among Youth and Students of Africa a and, the Diaspora with a view to further enhancing African Integration.
- Establish a Pan-African program which supports African sports figures in their quest to migrate abroad and return to their countries of origin in pursuit of their sporting careers.

6.7 Migration and the Elderly

The stereotype that older people are immobile no longer holds true. People migrate at old age for different reasons. Though non-economic factors dominate elderly migration, economic factors could also prompt elderly migration like their non-elderly counterparts. The determinants and consequences of elderly migration need to be understood properly in order to cater to their needs and aspirations. Generally, older people are impacted negatively by their uprooting from their environment. As a result their physical, health, and economic well being are compromised.

RECOMMENDED STRATEGIES:

- Ensure the protection of the rights of elderly migrants.
- Ensure that the needs of elderly migrants are met at the time of migration and at the time of resettlement.
- Ensure that elderly migrants receive adequate quality and quantity of health care and other social services.
- Protect the entitlements of elderly migrants including pensions and other provisions.
- Ensure that programmes relating to training and resettlement take into account the needs of older people in terms of re-uniting them with their families.

7. PRIORITIZATION OF MIGRATION ISSUES

Migration issues are numerous and complex. Efforts to simultaneously address these issues will present themselves to be an ambitious and unattainable task without the viability of effective implementation given the resource and technical capacities of most States. The implementation of migration policies should thus be seen as an evolving process in which some elements of the strategic guidelines are being actively implemented in parallel to building capacities that will enable all elements to be adequately addressed. In this regard the following highlighted priorities are drawn to the attention of the AU Member States.

1. Upholding the humanitarian principles of migration

The policy priority in this direction shouic be the recognition of the predicaments of migrants in the host countries and in their transition to the host country. These predicaments include racist treatment, mass expulsion, persecution, inability to find employment, lack of access to basic necessities such as health, education etc. predicaments are against the standard human right laws as codified in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of the Child, the Convention

on the Elimination of All Forms of Discrimination against Women, the Convention Against Torture and the rights of migrants. All Member States should therefore ensure that the rights of migrants are protected and refrain from mass expulsion and other activities at odd with the international principles and laws.

2. Border management and security

The interconnection between migration, border management and internal and external aspects of security is clearly seen in the Migration Strategy Paper. Countries are concerned of both internal and external security that might arise as a result of migration. It is therefore imperative for countries to make border management a policy priority. Effective border management should facilitate legal migration while reduce illegal migration, trafficking and smuggling. Elements of such a policy include upgrading the capacities of border officials, physical infrastructure and enhancing communication and cooperation between origin, transit and destination countries.

3. Promotion of regular and labor migration

The advantages to be gained from regular labor migration for host States, destination States and migrants themselves are enormous. Viewed from this perspective, migration does not only bring efficiency in the labor market, but also has substantial benefits in terms of skills and knowledge transfer, cultural diversity and strengthening the broader globalization process. Migration thus has to be supported by all States of -origin and destination- by putting in place all the necessary mechanisms for the creation of an enabling environment promoting migration. These among others include information, proper documentation, fulfilling the various needs of migrants particularly at the destination countries, educating host communities etc.

4. Integration of migrants in host communities

A successful strategy managing migration focuses on achieving the integration of migrants in the host communities as this will result in a number of advantages to the host country that include the reduction of instability and insecurity and financial burden. Migrants that are successfully integrated in to the host-society have a greater chance of feeling a sense of belonging which in turn enables them to lead productive social and economic lives to the benefit of both their State of origin and host State. A high priority among policy makers should thus be given to policies governing settlement and integration practices. Member countries are encouraged to opt for programmes and projects (cultural orientation, accessing public services, language training etc) that support the integration process of migrants.

5. Migration and Development

A clear and vivid example of the developmental impact of migration is the contribution of the Diaspora to their State of origin. This takes different forms: remittance, stimulating trade and investment, skill and technology transfer, advocacy in host countries etc. These benefits however are derived only if appropriate policies are in place to create conducive environments in the States of origin. Member States should make conscious efforts to reach out to Diasporas and create channels of communication with them. This takes the form of putting appropriate institutional mechanisms in place that facilitate such communication and study the needs and incentives that might be required.

6. Capacity Building

Strategies that successfully manage migration require the capacity to understand and administer the various laws and regulations pertaining to migration which, requires the capability to monitor migration. This refers in particular to issues of data collection and analysis, migration information management and exchange among sovereign states. There is also a need to build capacity in order to address the various needs of migrants, border management, maintain internal security etc. The human and institutional capacities of Member States should thus be strengthened in order to properly handle these and other migration related issues.

7. The promotion of policy-relevant research and capacity on migration

Policy makers need to base their decisions on well informed and well researched problem analysis. The causes, determinants, consequences, advantages, disadvantages of different types of migration and migrants in a given country should be well analyzed and established. Equally important is also research on the effects of a particular policy on the different aspects of migration (security, health, integration, trafficking, labor migration, human rights etc). As a policy priority area, Member States should define their migration research needs and create the mechanisms to promote their policy research capacity.

7. THE WAY FORWARD

Migration is a cross cutting issue that is bound to occur in its different forms with complex consequences. States are strongly urged to adopt the following broad decisions so as to properly manage migration with a view to optimizing its benefits while minimizing its negative impacts.

1. National laws and policies based on international and regional umbrella principles are

   - appropriate instruments to properly manage migration. As a result Member States are

   - encouraged to formulate migration policies and laws which are open and transparent.

2. A comprehensive approach to migration management should be adopted to address the various issues emerging as a result of migration. Member States should adopt the various recommendations made above under different categories of labor migration, boarder management/integrity, irregular migration, national/regional security, human rights, etc.

3. Migration is a multi-actor process in which different stakeholders will have stakes in the process. Member States should facilitate the involvement of different stakeholders such as NGOs, community organizations, migrants, government agencies etc. in policy formulation and designing and implementation of programs and projects.

4. As migration involves origin, transit and destination States, inter-State, inter and intra-regional cooperation is crucial for the management of migration. As a result, governments should look for collective solutions to migration through bilateral, multilateral and regional agreements and dialogue in a manner that benefits all parties to migration: origin country, destination country and migrants.

5. Migration often results in a conflict between national security/integrity and migrants' rights. Member States should resolve the conflict by striking a balance between the two, inter alia, by harmonizing national laws and policies with international standards and norms.

6. International organizations are partners to managing migration across countries. As a result, it is in the best interest of Member States to work closely with the International Organization for Migration to foster inter-state dialogue and regional consultations and co-operation for effective migration and boarder management.

7. Migration management requires information and its systemic use. Member States should encourage research to generate information, identify problems and devise appropriate responses and strategies.

8. Migration management requires capacity and adequate infrastructure. Members States should encourage capacity building programs to effectively manage migration by investing on training and awareness raising as well as putting in place adequate infrastructure and technology.

ANNEX 1: **DECISION ON THE DRAFT MIGRATION POLICY FRAMEWORK FOR AFRICA DOC. EX.CL/276 (IX)**

The Executive Council:

1. **RECALLS** its previous decision requesting Member States to submit comments to the AU Commission for the finalizing of the Draft Framework and mandating the AU Commission to submit the final draft to the next session of the Executive Council;
2. **TAKES NOTE** of the Draft Migration Policy Framework for Africa;
3. **ALSO TAKES NOTE** of the comments by Member States as incorporated in the final draft Framework;
4. **AWARE** of the development challenges posed by migration as well as its benefits to Member States;
5. **ADOPTS** the Migration Policy Framework for Africa as a basic guideline and reference document to assist Member States and RECs to develop national and regional migration policies;
6. **URGES** Member States and RECs to utilize the migration framework, in the development of migration policies;
7. **REQUESTS** the Commission in consultation with the International Organization for Migration and other relevant partners, to assist Member States with the development and implementation of sound migration policies;
8. **MANDATES** the African Union Commission to develop, in collaboration with partners, a follow-up mechanism;
9. **FURTHER REQUESTS** the Chairperson of the African Union Commission to periodically report on the implementation of the Framework.

Annex II to the letter dated 7 September 2006 from the Permanent Representative of the Congo to the United Nations addressed to the President of the General Assembly

AFRICAN COMMON POSITION ON MIGRATION AND DEVELOPMENT

INTRODUCTORY NOTE

The Executive Council Decision (EX.CL/Dec.264 on Migration and Development (VIII)) adopted during the January 2006 Khartoum Summit mandated the Commission of the African Union to convene an Experts' Meeting on Migration and Development in Algiers, Algeria at the kind invitation of the Government of Algeria. The meeting took place as scheduled from April 3-5, 2006.

Over 42 countries attended the meeting and the discussions were lively and exciting. A number of Regional, International and Non-Governmental Organizations and Institutions were also represented. These included: ILO, IOM, ALO, UN/AIDS, UNDP, UNICEF, ICMPO, ARLAC, OATUU, Vatican, ICRC, Pan-African Youth Organization, and FAO. In addition the following organizations working in the field of migration in the Diaspora attended the meeting: African Federation of Women Entrepreneurs (AFWE), The Foundation for Democracy in Africa, and African Foundation for Development (AFFORD).

At the end of the meeting the delegates adopted a Draft African Common Position on Migration and Development which covers a number of areas including Migration and Development, Human Resources and the Brain Drain, Remittances, Trade, Migration and Peace, Security and Stability, Migration and Human Rights, Gender, Regional Initiatives and Access to Social Services but to mention a few.

The Draft African Common Position on Migration and Development also contains a set of recommendation at National, Continental and International level which are aimed at addressing migration and development issues. The delegates also adopted a Report of the Experts Meeting, which among other things, mandated the African Troika to address the issue of migration and development with the European Troika during their meeting in Vienna, Austria on May 8, 2006. The African Common Position on Migration and Development has since been endorsed by the Executive Council through the Executive Council Decision (EX.CL/Dec.305 (IX)) adopted at the Banjul Summit in July 2006.

1. INTRODUCTION

Africa is experiencing an important development in migratory flows. These movements occur essentially within the Continent. They are also occurring towards Europe, North America and some Middle East countries and could be voluntary (as a result of pull factors in destination countries) or involuntary/forced (due to push factors in countries of origin). These movements could be legal or undocumented and encompass all social categories, including refugees, internally displaced persons, nomads migrating in search of pasturelands, young and women setting off from the country side in search of job opportunities in the city, employment seekers, and, increasingly, qualified persons, women and children under the age of 18.

Migratory flows are occurring, however, in an African context still marked by the inadequacy of institutional capacities of some African countries to address the problems individually and collectively.

Of the 150 million migrants in the world, more than 50 million are estimated to be Africans. Given that the number of migrants is rising and that this trend is likely to persist in the foreseeable future, the management of migration has necessarily become one of the critical challenges for States in the new millennium.

In recent years, migration has been making its way steadily towards the top of the continental and international affairs agenda and now calls for the urgent attention of governments, whatever the nature of their involvement or interest in the management of migratory processes. There is a need for a comprehensive and balanced approach to migration taking into account migration realities and trends as well as linkages between migration and other key economic, social, political and humanitarian issues.

Another contemporary aspect of migration in Africa is the growing number of women who have also started to migrate in search for greater employment/economic opportunities.

The root causes of migration are numerous and complex. The push-pull framework gives insight into the different forces at work to explain migration. In Africa, poor socio-economic conditions, such as low wages, high levels of unemployment, rural underdevelopment, poverty and lack of opportunity fuel out-migration. These factors are usually brought about by a mismatch between the rapid population growth and the available resources, low level of requisite technology to exploit the available natural resources and capacity to create employment and jobs at the countries of origin.

In addition, various political and social factors induce migration. Among these, are poor governance, nepotism and corruption, human rights violations, political instability, environmental factors, conflict and civil strife, the real or perceived opportunity for a better life, high income, greater security, better quality of education and health care at the destinations influence decision to migrate. Lower costs of migration, improved communication, greater information availability and the need to join relatives, families and friends are among the factors, which amplify push-pull factors.

Whereas well-managed migration may have a substantial positive impact for the development of countries of origin and yield significant benefits to destinations States, mismanaged or unmanaged migration can have serious negative consequences for States' and migrants' welfare, including potential destabilizing effect on national and regional security.

In response to the challenge posed by migration, the Eighth Ordinary Session of the Executive Council of the African Union in KHARTOUM from 16 to 21 January 2006 adopted the decision EX.CL/DEC.264 (VIII). In this context, Council decided to convene an experts meeting on migration and development in Algiers, Algeria at the invitation of the Algerian government in order to prepare a common African position.

2. PREAMBLE

MINISTERS RESPONSIBLE FOR MIGRATION FROM MEMBER STATES OF THE AFRICAN UNION

RECOGNISING the uneven impact of globalization on international migration and Africa's role in migration management and development;

ACKNOWLEDGING that migratory movements occur essentially within the continent and also towards developed countries and that every country has become either a country of origin, transit or destination or a combination of the three;

AWARE that conflicts, poverty, poor governance, under development, lack of opportunities, environmental factors are some of the underlying causes of migration and that to effectively manage migration, the root causes of migration should be addressed;

RECOGNISING that illegal or irregular migration is currently taking serious dimensions and alarming proportions that threatens peace, stability and security and must be adequately addressed through a comprehensive approach on to effective border management and within the context of strict observance of human rights and human dignity;

CONCERNED that the emphasis on addressing illegal or irregular migration has been only on security considerations rather than on broader development frameworks and on mainstreaming migration in development strategies;

RECOGNISING that the selective migration approaches adopted by developed countries including developed countries which targets African expertise constitutes an additional threat to African economies;

CONCERNED about the loss of heavy investments made by African Governments in training and human resource development in priority sectors and the negative impact of the brain drain on these sectors;

BEARING IN MIND that pro-poor economic growth through productive investments, trade, employment and effective social and economic policies can help reduce migration;

RECALLING the necessity to maintain skilled workers in the continent in order to contribute to the attainment of the Millennium Development Goals (MDGs);

CONSCIOUS of the huge economic developmental potential which exists on the continent particularly in the agricultural, industrial and service sectors;

UNDERSCORING the importance of various African development blueprints such as AU's NEPAD programme which contributes to the solution of many of the root causes of migration, in promoting socio-economic and political development (human resource development including reversing the brain drain), and the Ouagadougou Extra-ordinary Summit Declaration and Plan of Action on Employment and Poverty Alleviation;

RECALLING commitments made by development partners towards Africa's development in general and towards Africa's capacity to better manage migration for development in particular;

UNDERSCORING that African inter-state cooperation and dialogue can strengthen the capacity of States in migration management including the development of common approaches towards harmonization of policies, laws and strategies on migration;

RECALLING the decision of 1st Ordinary Session of the AU Executive Council held in July 2002 in Durban, South Africa that called for the involvement of the African Diaspora in the programmes of the Union and FURTHER RECALLING the July 2003 Maputo Summit decision which amended the Constitutive Act to provide for the participation of the African Diaspora in the building of the AU;

RECALLING the AU Summit of Heads of State and Government in Khartoum, Sudan from 23-24 January 2006 expressed its concern over the magnitude and impact of migration on development and over the growing number of migrants in Africa and beyond, and the brain drain syndrome, particularly towards the developed countries; and requested for the preparation of a common African position on Migration and Development;

DESIROUS of adopting this African Common Position on Migration and Development to enable Africa to ensure that its concerns are properly reflected at the Africa/Europe dialogue and other international fora;

WELCOMES the Libyan Arab Jamahiriya for offering to host the Africa-EU Ministerial Conference on Migration in Tripoli;

CONSIDERING that migration is a factor of integration and development and NOTING the recommendation of the 23rd Assembly of Heads of State and Government of Africa and France in Bamako on 03 and 04 December 2005 inviting Member States to conclude agreements or conventions on border management, residence conditions and the granting of work permits;

FURTHER RECALLING the decision of the UN General Assembly to hold a High level Dialogue on migration and development during its regular session in 2006.

HAVE AGREED AS FOLLOWS:

3. PRIORITY POLICY ISSUES

3.1 Migration and Development

Migration can be an effective tool for development by enhancing income distribution, promoting productive work for growth in Africa, enhancing women empowerment and gender equality, combating HIV/AIDS, Malaria and Tuberculosis amongst migrant population and improving partnership amongst the developed and African countries and other stakeholders. However, poverty is one of the main causes of migration. Creating development opportunities in countries of origin would mitigate the main reasons for young people to engage in migration, thereby also dealing with the problem of brain drain.

3.2 Human resource and the brain drain

This issue is of great concern to African countries since essential skills for development in the region have been lost worsening the already inadequate capacity to meet development challenges. Many parts of the African continent are currently affected by a shortage of qualified human resources, created in part by the large-scale departure of professionals and university graduates. Thousands of African professionals including medical doctors, nurses, accountants, engineers, managers and teachers leave their home country each year to pursue better prospects in other countries – both on and off the continent. While this movement may have some limited beneficial effects in certain locales, in developing countries this "brain drain" is a handicap for sustainable development.

3.3 Labour migration

Labour migration is a current and historical reality in Africa impacting directly the economies and societies of African countries in important ways. Establishing regular, transparent and comprehensive labour migration policies, legislation and structures at the national and regional levels can result in significant benefits for States of origin and destination. For countries of origin, for example, remittances, and skills and technology transfers can assist with overall development objectives. For countries of destination, labour migration may satisfy important labour market needs. Labour migration policies and legislation that incorporate appropriate labour standards also benefit labour migrants, members of their families, and can have a positive impact on society generally.

On-going processes of regional economic integration in Africa -through Regional Economic Communities (RECs)- are increasingly taking account of managed cross-border labour movements that lead to better labour allocation within larger labour markets. RECs constitute a key factor for facilitating co-operation in the area of labour mobility at the regional level and for promoting economic development.

3.4 Remittances

Remittances are one of the developmental effects of migration; and such effects are felt most distinctly at the individual or household level but also at the community or national

levels. However, remittances are privately earned transfers and should not be confused with official development aid.

Today, it is widely acknowledged that remittances play a significant financial role in developing nations as they form part of income from services and contribute to the country's balance of payments. Official flows from developed and developing countries combined reach nearly $100 billion annually and the actual figure (that is, including flows not channelled through formal financial systems) may be as high as twice that amount. Remittances are therefore more sizeable than foreign aid.

However, there are difficulties encountered particularly with respect to the high cost of effecting remittances.

3.5 African Diaspora

Strengthening and enhancing the involvement of the African Diaspora in the development process is a key aspect in fostering the migration-development nexus and has been identified in NEPAD as a sectoral priority within its Human Resource Development Initiative. Intervention on human resources development for priority sectors is a long-term challenge to most African countries.

Furthermore, the 2004-2007 Plan of Action of the African Union adopted by the Executive Council at its 4th Ordinary Session places the Diaspora at the centre of the priorities of the African Union and provides for a special programme titled "Citizens of Africa" with the following objectives:

- Establishment of a Diaspora expert database;
- Systematic inclusion of Diaspora expertise in AU programmes;
- Full involvement of the Diaspora in the Economic and Social Council of the African Union (ECOSOCC).

3.6 Migration and Peace, Security and Stability

Large spontaneous and unregulated migrant flows can have a significant impact on national and international stability and security, including by hindering States' ability to exercise effective control over their borders, and creating tensions between origin, transit and destination countries and within local host communities. Recent international terrorist activity, and the illicit circulation of small arms and light weapons amongst other factors, have turned the focus on individual migrants and the potential for public order to be compromised by individuals whose intent is to undermine the security and stability of States and societies. Combating irregular migration and establishing comprehensive migration management systems can contribute to enhancing national and international security and stability.

Conflict is a root cause of forced displacement. Displacement caused by conflict has destabilizing effects on national and regional security, with adverse consequences for the ability of host nations to provide protection to refugees and security to their own nationals. Since forced displacement is closely linked to conflict—both as a

consequence and as a potential cause of further conflict—challenges posed by refugee and IDP movements must necessarily be addressed within the broader context of political and institutional efforts at the national, regional and Continent-wide levels aimed at strengthening political dialogue and institutions, and at preventing and managing conflict.

Conflicts prevention and resolution as well as good governance contribute to addressing the root causes of migration.

3.7 Migration and Human Rights

Ensuring the effective protection of economic, social and cultural rights of migrants, including the right to development, is a fundamental component of comprehensive and balanced migration management systems. Historically, migrants have often been deprived of their rights and subjected to discriminatory and racist actions and policies including exploitation, mass expulsion, persecution and other abuses in both transit and destination countries.

Safeguarding the human rights of migrants implies the effective application of norms enshrined in human rights instruments as well as the ratification and enforcement of instruments specifically relevant to the treatment of migrants.

Management of illegal or irregular migration should not jeopardize the human rights of refugees and the principle of non-discrimination should be adhered to. The fight against illegal or irregular migration must be waged within the context of strict observance of human rights and human dignity, of regional and international cooperation and shared responsibility among the countries of origin, transit and destination. This can be achieved, through among others, working together to secure the dignified return of their bona fide nationals who no longer have the right to remain or enter the territory of the other party (returnees) and whose in-country legal appeal rights have been exhausted.

3.8 Migration and Gender

The increasing number of migrant women is an important emerging trend in today's migration landscape. Many women are now moving independently of spouses or partners. It is estimated that women account for almost half of all international migrants. The increasing feminization of migration is a reflection of the changing demands for particular types of skills including the growing demands in the service industries especially for domestic workers, nurses, teachers and other typically female dominated professions. Migrant women's vulnerabilities to exploitation are highlighted by the frequently abusive conditions under which they work, especially in the context of domestic service and sex industries in which migrant trafficking is heavily implicated. It is therefore important to give particular attention to safeguarding the rights (labour, human rights, *inter alia*) of migrant women in the context of migration management.

3.9 Children and Youth

The changing age composition of migrant flows is reflected in the increasing number of children, adolescent and youth who are migrating independently of parents. Whether

migration is forced, as reflected in the very high percentage of children in refugee camps, or voluntary, the special needs of children, adolescent and youth in terms of providing adequate health care, education, shelter and protection from rights violations, involvement in armed conflicts present special challenges to States. In many parts of the world, including certain regions in Africa, child trafficking is a critical challenge that must be addressed from different angles including targeted prevention campaigns, protection and assistance to victims of trafficking, training of relevant authorities on how to address trafficking challenges and prosecution of traffickers and their accomplices. Children born migrants should receive special attention.

3.10 Elderly

The stereotype that older people are immobile no longer holds true. People migrate at old age for different reasons. Though non-economic factors dominate elderly migration, economic factors could also prompt elderly migration like their non-elderly counterparts. The determinants and consequences of elderly migration need to be understood properly in order to cater for their needs and aspirations. Generally, older people are negatively affected by their uprooting from their environment. As a result their physical, health, and economic well being are compromised.

3.11 Regional Initiatives

There is need to ensure coordination in the development of common regional policies for the management of migration within the RECs taking into account national and regional specificities and facilitate ownership of migration processes by African countries through the promotion of capacity building initiatives at national, regional and continental level. A concerted effort that should sustain regional programmes and assistance that would enable transit/destination countries cope with the problem of migration management should be developed.

Bilateral and multilateral efforts aimed at strengthened co-operation on labour migration assist in ensuring systematised and regular movements of labourers; responding to the supply and demand needs of domestic and foreign labour markets; promoting labour standards; and reducing recourse to illegal and irregular movements. The need for all parties to work together for the success of the new understanding contained in the common position is also emphasized.

4. OTHER CROSSCUTTING ISSUES

4.1 Health

The linkages between migration and health concerns have recently been brought to the forefront in the international discourse on migration, notably in the context of the spread of communicable diseases such as, inter alia, HIV/AIDS. Migrants are especially susceptible to health risks because of their pronounced conditions of vulnerability, including their restricted access to health services, both during and after periods of mobility. Because of the complex nature of the relationship between migration and health, the elaboration of comprehensive strategies addressing health matters will

necessarily require further research on the underlying health problems and vulnerabilities of migrant populations, and considerations of access and entitlement to basic health services.

4.2 Environment

Environmental factors play a role in causing population movements, and conversely, migration has an impact on the environment. For instance, internal migration, such as the process of urbanization is sometimes linked to environmental degradation and environmental disasters which force farmers and other rural populations off their land. Also, the presence of large numbers of displaced persons in refugee camps and IDP hosting areas can have negative effects on local environments. Environmental considerations are therefore playing an increasingly important role in the formulation of policies on migration and forced displacement.

4.3 Trade

Countering poverty through economic development works towards alleviating an important migration pressure since nationals are no longer compelled to go abroad in search of economic opportunities. The relationship between economic development, trade and migration is an important one. In addition, due to multilateral negotiations taking place within the framework of the World Trade Organization (WTO), the issue of the movement of persons for trade in services is becoming a subject of increasing relevance within international trade agreements.

The growth of the services sector should be given priority and promoted as one of the key strategic areas for inclusion in national and regional programmes for poverty eradication and generally for social economic development. To ensure sustainable growth of the services sector, capacity building in key sectors is required as well as market information and facilitation of utilisation of market access opportunities.

A major obstacle is access to market of developed countries by Africa's service providers. The access should be facilitated and made easier.

Measures to address the related issues of trade distorting agricultural subsidies of certain developed countries as well as the issue of market access for the products of developing countries, should form part of strategies to deal with the push factors of migration.

Aid is a topical issue that has not been adequately addressed or resolved between the developed and the developing countries. Commitments made by the former to increase aid flow to developing countries to 0.7% of GNP has not been honoured. What has come in falls far short of the minimum amounts required for achieving the MDGs.

If all countries had honoured the target over the last 30 years, an additional US$ 2.5 trillion would have been channeled into developing countries for development programmes.

4.4 Access to social services

Immigrants experience greater difficulties than other social groups in accessing services and hence in exercising their rights. The reasons for this are numerous including cultural problems "on both sides of the barrier" as well as discriminatory policies and practices in host countries. Often immigrants are unaware of their rights or are afraid to claim them; they do not understand the local language or are unfamiliar with the ins and outs of social services. Particularly in countries experiencing recent migratory waves, the social services are often not in a position – and sometimes are not willing – to reach out to immigrants, who much too often are not considered citizens with full rights. It is therefore necessary to improve information on the services available as well as on how to access them.

5. RECOMMENDATIONS FOR ACTION

To ensure that the challenges posed by the issue of migration to African and developed countries are effectively addressed, it is necessary to establish a common strategy for the management of migration which associates countries of origin, transit and destination, in order to find balanced solutions that take into account the interests of the countries concerned.

It would be indeed illusory to try to treat the problems of migration by recourse only to security measures; hence the need for a comprehensive, integrated, concerted and balanced solution, whose objectives, policies and measures will be long-lasting.

This approach should involve the treatment of problems of the movement of persons (legal, illegal and irregular migration), the protection of the rights of communities that are legally established, as well as the linkage between migration and development.

It should also be based on actions to be taken at national, continental and international levels.

5.1 <u>At national level</u>:

(a) invite African States which have not yet done so, to adhere to the African Peer Review Mechanism as proof of their willingness to significantly their promote good governance, especially by the active involvement of all segments of the society in the management of public affairs;

(b) adopt a policy on migration;

(c) carry out preventive awareness and sensitization campaigns, on all aspects of migration;

(d) Collect all relevant information on the extent of the migration problem;

(e) strengthen the mechanisms to combat smuggling and trafficking in human beings including the elaboration of legal instruments;

(f) Improve border management and control;

(g) Effective implementation of the Ouagadougou Plan of Action on Employment and Poverty Alleviation and the MDGs and mainstream migration in development plans;

(h) improve conditions for youth employment as well as by paying greater attention to cultural and sporting activities as well as associations;

(i) strengthen national educational institutions and adapt them to the needs of respective African countries;

(j) create a favourable climate to facilitate and encourage the return or at least significant participation of African migrants in development including their contributing to some strategic sectors in their respective countries;

(k) create mechanisms for the strengthening of links between the countries of origin and African communities in the Diaspora;

(l) Improve inter-sectoral or inter-ministerial coordination and dialogue on migration by establishing a central body to manage migration;

(m) create data banks on the nature, scope and techniques of illegal migration;

(n) develop mechanisms, services and effective financial products to facilitate the transfer of the funds of emigrants and reduce the costs of these transfers;

(o) establish a data bank on the scope of the brain drain phenomenon and qualified human resources;

(p) Work towards the elaboration and implementation of policies that facilitate the Diaspora participation in the development of African countries.

5.2 **At continental level**:

a) Continue to concentrate efforts, especially through the AU Peace and Security Council, on conflict prevention, management and on the search for lasting solutions to armed conflicts on the continent and to mobilize effective support of the international community for these efforts;

b) Finalize the Strategic Framework for Migration Policies to provide guidelines on the effective management of migration;

c) Introduce due process measures including legal frameworks to fight illegal migration and punish those guilty of smuggling or trafficking;

d) encourage the conclusion of cooperation agreements by African States to manage migrations **by developing bilateral and regional legal instruments**;

e) Improve the management of migration flows by finding a balance between effective security for legal immigrants, freedom of the legal movement of persons and the humanitarian obligation towards those who need protection;

f) establish appropriate mechanisms that would bringing together national focal points in charge of migration for regular information exchange that would enrich the development of a common vision based on partnership, solidarity and friendship;

g) promote the adherence of States to Regional and International instruments protecting migrants and encourage cooperation between security services, especially for more effective border controls;

h) encourage inputs from the Diaspora for the development of their countries of origin, in the form of trade and investment activities, transfer of funds, competencies, technologies and by permanent or temporary participation in development projects;

i) urge AU MS to ensure their appropriate representation and participation at the UNGASS on migration in September 2006;

j) explore the possibility of coordinating studies and research on migration and development by existing institutions with a view to placing at the disposal of States, sub-regional organizations and other users, current and reliable information on migration.

C. **At international level:**

a) implementation, by the European Union, of commitments such as those announced in the plan of action adopted at the Africa-Europe Summit held in Cairo on 3 and 4 April 2000, namely:

- support, as need be, African countries to ensure intra-African freedom of movement of manpower and migratory flows in the spirit of the Abuja Treaty;
- cooperate in addressing the fundamental causes of migration and asylum seeking in countries of origin, transit and destination;
- deepen cooperation in issues of the reciprocal integration of migrants and the protection of their rights;
- recognize the usefulness of the measures to fight against racism and xenophobia and the need to ensure the respect of the dignity and the protection of the rights to which migrants are entitled under the applicable international law, especially the right to equal treatment based on the principle against discrimination;

b) the collective effort to address the fundamental causes of this phenomenon, which are the disparity in development, conflicts and political instability;

c) the strengthening of African Union efforts in peacekeeping operations and the peaceful resolution of conflicts, and especially in post-conflict stabilisation and reconstruction programmes;

d) take all necessary measures to implement Africa's development programmes such as those proposed by NEPAD;

e) strengthen educational systems and adapt them to the needs of each African country ; improve the working conditions of researchers (and other teachers) and encourage the use of local consultants for different development projects;

f) enable Africans in the diaspora, especially those in highly technical fields and high demand, to carry out some of their professional activities in their home countries as well in the entire continent without necessarily needing to give up their employment abroad;

g) the easing of the movement of persons through more flexible visa procedures; in order to reduce illegal and irregular migration, and thereby also the role of syndicates dealing in the trafficking of human beings;

h) ratification and implementation of international instruments such as the United Nations Convention on the Protection of the rights of migrant workers and their family members (1990) and all other relevant instruments;

i) the reduction, by developed countries, of the costs of transferring the funds of migrants;

j) the encouragement of the movement of skilled African labour between the host countries and the countries of origin by providing support for the creation of centres of excellence in Africa;

k) the allocation of employment quota which should be channeled through governments;

l) create an environment conducive to circular migration (brain circulation);

m) attention should be paid to (a) relaxing entry requirements for service providers, ensuring non-discriminatory treatment in the terms and conditions of service, as well as elimination of the economic needs tests in recruitment, and (b) to recognition of academic and professional qualifications obtained and awarded in Africa's training institutions. In this regard, appropriate legally binding regimes are required at bilateral levels and in the framework of AU-EU relations;

n) elaborate a framework for social and economic offsets from host countries to mitigate the effects of large scale departures of highly skilled African professionals in critical sectors;

o) Encourage and promote FDI in order to generate employment and reduce migration outflow;

p) promote equal treatment and assistance in the creation and registration of associations by migrant communities in host countries;

q) implementation of the commitments made by developed countries to allocate 0.7% of the GNP to Official Development Aid;

r) implement the commitments made by the developed countries particularly the European Union to support the development efforts of countries of origin or transit and to contribute to the achievement of the Millennium Development Goals (MDGs);

s) support joint research on migration and development;

t) support institutional capacity building in African countries on the management of migration;

u) the identification by the African Union--European Union Troïka, of a mechanism to carry out these actions, and also explore ways of taking up the same with other partners.

DECISION ON AFRICAN COMMON POSITION ON MIGRATION AND DEVELOPMENT

DOC. EX.CL/277 (IX)

The Executive Council:

1. **RECALLS** the decision taken at the 8th Ordinary Session of the Assembly of Heads of State and Government which mandated the African Union Commission to convene an expert meeting in Algiers, Algeria for the development of an African Common Position on Migration and Development and **COMMENDS** the Government of Algeria for hosting the Experts Meeting;
2. **TAKES NOTE** of the Report of the Experts meeting held in Algiers, Algeria during April 2006;
3. **ADOPTS** the African Common Position on Migration and Development
4. **URGES** Member States to mainstream migration in development strategies and implementation especially in the area of human resource development;
5. **FURTHER URGES** Member States to allocate adequate resources for the implementation of the recommendations contained in the African Common Position on Migration and Development;
6. **APPEALS** to the International Community to continue to collaborate in the implementation of and provide support towards the attainment of the objectives contained in the African Common Position on Migration and Development;
7. **REQUESTS** the Chairperson of the Commission, in collaboration with International Organization for Migration and other partners, to coordinate and advocate for the implementation of the African Common Position on Migration and Development;

8. **WELCOMES** the offer by the Great Libyan Arab Jamahiriya to host the Ministerial Conference on Migration and Development;

9. **MANDATES** the Chairperson of the African Union Commission to:

   (i) Continue engaging the European Union in consultation with the Libyan authorities on the convening of the Africa/Europe Ministerial Conference to be held in Tripoli, Libya before the end of 2006;

   (ii) Present the African Common Position on Migration and Development at the proposed Africa-Europe Ministerial Conference on Migration and Development;

   (iii) Develop the Common Position as a broad African consensus on issues of migration and development and to present it to the African Group of Ambassadors at the UN as Africa's input into the UN High Level dialogue on International Migration and Development scheduled for September 2006.

10. **FURTHER REQUESTS** the Chairperson of the Commission to report on the outcome of the Africa-Europe Ministerial Conference on Migration and Development and the UN High Level Dialogue on International Migration and Development to the next ordinary session of the Assembly.